

EMZILE LEE WILBURN,)
)
 Plaintiff,)
)
 v.) No. 4:07CV705 RWS
)
 JOHN FRISCELLA,)
)
 Defendant.)

Before the Court are plaintiff's motions to "amend and rehear original petition" and for additional access to the law library.

Plaintiff filed this civil rights action, pursuant to 42 U.S.C. § 1983, alleging that defendant John Friscella, an attorney who plaintiff privately retained to represent him in a state criminal case, violated his constitutional rights by failing to adequately represent him. On May 7, 2007, the Court dismissed plaintiff's complaint, finding that defendant Friscella's actions in representing plaintiff did not constitute action under color of state law. Although plaintiff seeks reconsideration of the Court's Order and/or leave to amend his complaint, he has not provided any legal grounds for granting such relief. Accordingly, his motion will be denied. Additionally, given that this matter has been concluded, plaintiff's motion for additional access to the library, a "minimum of 40 hours per week" so

that he can “adequately prepare for pleadings, motions and writs in this matter” will be denied as moot.¹

Accordingly,

IT IS HEREBY ORDERED that plaintiff’s motion to “amend and rehear original petition” is **DENIED**.

IT IS FURTHER ORDERED that plaintiff’s motion for additional access to the law library is **DENIED** as moot.

Dated this 6th day of December, 2007.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

¹Plaintiff has not indicated that he is being denied access to the law library or that he has suffered an injury as a result of limited access. "To state a claim that a law library or legal assistance program violates [meaningful access to the courts], inmates must assert that they suffered an actual injury to pending or contemplated legal claims." Myers v. Hundley, 101 F.3d 542, 544 (8th Cir. 1996).